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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,411	05/18/2006	Jean-Paul Scherrer	0502-1028	2971
<div>466 7590 08/02/2007 YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202</div>				
			EXAMINER FASTOVSKY, LEONID M	
			ART UNIT 3742	PAPER NUMBER
			MAIL DATE 08/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,411

Applicant(s)

SCHERRER ET AL.

Examiner

Leonid M. Fastovsky

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-36, 39 and 40 is/are rejected.
- 7) ☒ Claim(s) 37 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The amendment filed 6/12/07 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "intermediate product".

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lund et al (3,263,307) in view Williams (3668367).

Lund discloses a flexible heating mat and a method of producing the mat (col. 1, lines 10-15) comprising first and second metal tracks 1, sealed between two flexible insulating layers 2 and 3, having upstream ends 6, and downstream ends 7 with a connection 8 (col. 3, lines 10-58 and Fig. 1-3), but does not disclose transverse metal tracks. Williams discloses an electrically heated pad comprising transverse heating tracks 8 and 10. It would have been obvious to one having ordinary skill in the art to

modify Lund's invention to transverse tracks as taught by Williams in order to increase utilities of the heater.

As to claim 40, Lund discloses a rotary machine (Fig. 1).

4. Claims 25-27 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lund in view of Williams and further in view of Eisler (3,721,800).

Lund in view of Williams discloses substantially the claimed invention, but does not disclose an aluminum film and adhesive. Eisler discloses an electric heating film made from aluminum and adhesive to join metal strips by adhesive (col. 2, lines 59-63 and col. 9, lines 42-50).

It would have been obvious to one having ordinary skill in the art to modify the invention of Lund in view of Williams to include adhesive for better durability and aluminum foil as taught by Eisler in order to increase utilities of the heater.

5. Claims 28-30 and 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lund in view of Williams and further in view of Ek et al (6,737,611).

Lund in view of Williams discloses substantially the claimed invention, but does not disclose a width of the mat and transverse orifices. Ek discloses a heating mat having a width of 38 cm (col. 5, lines 10-15) and transverse orifices 10 (Fig. 4).

It would have been obvious to one having ordinary skill in the art to modify the invention of Lund in view of Williams to have transverse orifices in order to fix the mat to the floor as taught by Elk (col. 4, lines 10-15) and a width of the mat in a range as taught by Ek in order to increase utilities of the heating mat.

Art Unit: 3742

6. Claims 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lund in view of Williams and further in view of Hitzgrath (5,928,549).

Lund in view of Williams discloses substantially the claimed invention including a thickness of the track of 0.015 mm, but does not disclose a width of the track. Hitzgrath discloses a heating foil having a lower limit width of .007 inch = 0.02 cm, strips S4 and S6 spaced apart by 0.024 inch = 0.07 and loops of the path 4 are spaced apart by 0.041 inch = 0.1 cm (col. 4, lines 15-30 and col. 5, lines 1-5).

It would have been obvious to one having ordinary skill in the art to modify the invention of Lund in view of Williams to have a width and spacing of the tracks in a range as taught by Ek since it has been held that where the general conditions of the claims are discussed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

7. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lund in view of Williams and further in view of Hitzgrath.

Lund in view of Williams discloses substantially the claimed invention including a thickness of the track of 0.015 mm, but does not disclose loops. Hitzgrath discloses a heating foil having a lower limit width of .007 inch = 0.02 cm, strips S4 and S6 spaced apart by 0.024 inch = 0.07 and loops of the path 4 are spaced apart by 0.041 inch = 0.1 cm (col. 4, lines 15-30 and col. 5, lines 1-5).

It would have been obvious to one having ordinary skill in the art to modify the invention of Lund in view of Williams to make loops as taught by Hitzgrath into half loops since it has been held that where the general conditions of the claims are discussed in the prior

Art Unit: 3742

art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Response to Arguments

8. Applicant's arguments with respect to claims 22-40 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid M. Fastovsky whose telephone number is 571-272-4778. The examiner can normally be reached on M-Th. 8.00 am -6.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3742

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Leonid M Fastovsky
Examiner
Art Unit 3742

lmf